

REMARKS

This paper is in response to the Office Communication dated May 20, 2005 in which the Examiner indicates that the response to the restriction requirement of January 26, 2005 is not fully responsive. Specifically, the Examiner has required Applicants to elect one of the differentially expressed proteins identified by the instantly claimed methods asserting that “this sequence election is part of the invention election and not a specie election requirement”. In response to this Communication, Applicants, through their undersigned attorney, requested a telephonic interview with Examiner DeJong and his supervisor, Examiner Brusca to discuss this requirement. At the outset, Applicant’s wish to thank Examiners DeJong and Brusca for taking the time to conduct an interview regarding this application.

As explained during the interview, the present invention provides a drug screening method to assess the efficacy of agents useful for modulating insulin sensitivity. The method is performed by first identifying those proteins which are differentially expressed in insulin resistant, insulin sensitive and normal subjects in response to treatments which are known to alter insulin sensitivity. An insulin responsive tissue or subcellular fraction thereof is then contacted with the test agent, and the ability of the agent to modulate differential protein expression in the tissue is assessed. These results are then compared to those obtained from the treated insulin resistant, insulin sensitive and normal subjects thereby identifying test agents which modulate protein expression levels towards a more insulin sensitive or insulin resistant state. Because the expression pattern obtained in response to the test agent is compared to that obtained in response to known treatments, the skilled person can more accurately identify those agents which should have efficacy for the treatment of disorders relating to insulin sensitivity. Claim 1 has been amended to clarify the method being claimed. Support for the amendments to claim 1 can be found in original claims 8-13 and at page 13, line 24, over to page 14, line 34. Support for the recitation of the sample in step b) comprising “cellular tissue or a subcellular fraction thereof susceptible to the action of insulin” can be found at page 27, lines 24-31. It is respectfully submitted that the subject matter of

claim 1 and the amendments thereto are fully supported by the disclosure in the application as filed and are clearly encompassed within the Group I invention.

An important feature of the instantly claimed method is the comparison step of proteins which are already known to possess altered expression levels in response to previously identified treatments which modulate insulin sensitivity in different test subjects and the expression levels of proteins which are altered in response to contact with the test agent. Comparing the populations of differentially expressed proteins enables the skilled person to identify agents which create more desirable protein expression patterns, i.e., those of a normal or more insulin sensitive subject. Thus, it is Applicants position that any protein which exhibits the foregoing characteristics is encompassed by the claim, thus, the election of a single protein from claim 29 is onerous and unwarranted. It appears as if the Examiner is treating claim 29 as a composition of matter claim, whereas the claim merely recites different proteins identified in the presently disclosed methods. It is respectfully requested that the Examiner re-consider this requirement for restriction should the subject matter of claim 1 be found allowable over the prior art. In order to be fully responsive and to facilitate examination of the present claims, Applicants hereby elect LOMT 21 as the protein to be examined on the merits.

It is submitted that the foregoing provides a summary of the substance of the Interview of June 28, 2005 as required in the paper of July 5, 2005. Early and favorable action on this application is earnestly solicited.

Respectfully submitted,

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